

CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT

October 20, Planning Commission Hearing
Agenda Item 4

SUBJECT: Appeal of Lot Merger (PA2011-141)
2808 and 2812 Ocean Boulevard

- Lot Merger No. LM2011-002

APPLICANT: The John Guida Trust and The Julie Guida Trust

PLANNER: Kay Sims, Assistant Planner
(949) 644-3237 or ksims@newportbeachca.gov

PROJECT SUMMARY

An appeal of the Zoning Administrator's decision to approve Lot Merger No. LM2011-002, which allowed the merger of portions of Lots 4, 5, and 6 of Block 34 located in Corona del Mar, under common ownership, for the purpose of development of a new single family residence. The decision also included approval of a request to waive the requirement to file a parcel map.

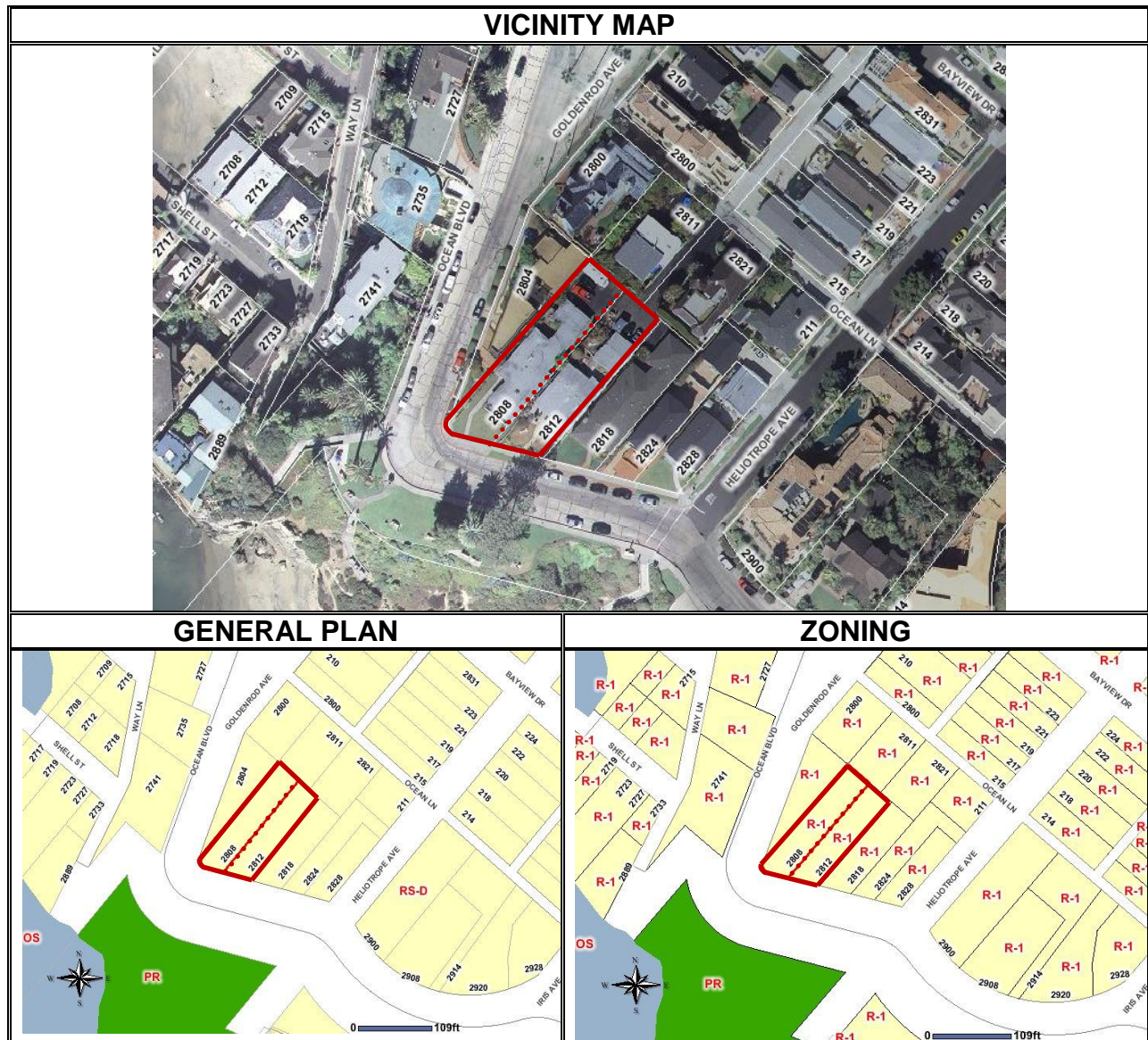
RECOMMENDATION

- 1) Conduct a de novo public hearing; and
- 2) Uphold or reverse the decision of the Zoning Administrator and adopt Resolution No. ____ (Attachment No. PC 1 or PC 2) for Lot Merger No. LM2011-002.

INTRODUCTION

Project Setting

The subject lots consist of portions of Lots 4, 5, and 6 of Block 34, but are more easily identified as 2808 and 2812 Ocean Boulevard. The properties, located on the northeasterly (inland) side of Ocean Boulevard between Goldenrod and Heliotrope Avenues, are generally rectangular in shape with skewed front property lines and slope slightly from the rear toward Ocean Boulevard. Vehicular access is provided via a 20-foot-wide, shared, private ingress and egress easement, which extends from the rear of the properties to Ocean Lane. Each property is currently developed with a single-unit residential dwelling. Lookout Point and Little Corona Beach Park are located directly across Ocean Boulevard.



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-unit residential dwelling
NORTH	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-unit residential dwellings
SOUTH	Parks and Recreation (PR)	Parks and Recreation (PR)	Park, beach, and public restrooms
EAST	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-unit residential dwellings
WEST	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-unit residential dwellings

Zoning Administrator Hearing and Action

Prior to the Zoning Administrator hearing on September 14, 2011, staff spoke over the telephone and met with members of the public to describe the project and answer questions. Four (4) comment letters (Attachment No. PC 4) were received that expressed concerns about the project. Staff also received a copy of a private deed restriction regarding the height of structures allowed on the subject properties and neighboring properties adjacent to the rear.

On September 14, 2011, the Zoning Administrator conducted a public hearing, reviewed the applicant's request, and received testimony from the applicant and 15 members of the public. All speakers opposed the lot merger. Additionally, a petition in opposition (Attachment No. PC 4) signed by 29 members of the public was presented. Stated reasons for opposition, including in comment letters received, were: elimination or blocking of private views, devaluation of surrounding properties, vehicular access, and not abiding by the deed restriction, which limits the height of any structures.

Prior to making his decision, the Zoning Administrator explained that the City does not enforce deed restrictions nor have policies or ordinances that protect private views. The Zoning Administrator also explained that the properties have vehicular access via Ocean Boulevard in addition to the private, shared easement. He further explained that the size of the lot proposed was similar to others in the area (see Table 1: Project Characteristics below) and was compatible with the character of the area. After considering public comments and concerns presented, the Zoning Administrator determined that there were facts in support of the required findings and approved the project (Attachment No. PC 3).

Table 1: Project Characteristics

Property	Total Area (approximately)	Width (at widest point)
R-1 Zoning District Interior Lot Standards:	5,000 sq. ft.	50 feet
2808 Ocean Boulevard	7,217 sq. ft.	40 feet
2812 Ocean Boulevard	6,483 sq. ft.	40 feet
Proposed Merged Lot	13,699.58 sq. ft.	80 feet
Comparable Properties Adjacent to Ocean Boulevard		
2900 Ocean Boulevard	13, 326 sq. ft.	66 feet
2908 Ocean Boulevard	10,049 sq. ft.	78 feet
3222 Ocean Boulevard	14,579 sq. ft.	111 feet

DISCUSSION

Analysis

Required Findings

Pursuant to Section 19.68.H (Lot Mergers, Required Findings) of Title 19 (Subdivision Code) of the Municipal Code, the following findings must be made in order to approve a lot merger:

1. *Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of Title 19; and*
2. *The lots to be merged are under common fee ownership at the time of the merger; and*
3. *The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan; and*
4. *Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger; and*
5. *The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.*

The Zoning Administrator approval included facts in support of the required findings, which are provided in the draft resolution upholding the Zoning Administrator's decision (Attachment No. PC 1). Also approved was the request to waive the requirement to file a parcel map pursuant to Section 19.68.030.M (Waiver of Concurrent Parcel Map), which allows waiver of the parcel map requirement in conjunction with a lot merger where no more than three (3) parcels are eliminated.

Appeal

On September 22, 2011, Mr. Clifford Jones, Ms. Joan Campbell, and Mr. John Silva appealed the Zoning Administrator's action. The appeal letter (Attachment No. PC 5)

stated that the appellants feel that the following required findings were not adequately addressed:

1. *Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of Title 19.*

The Zoning Administrator determined that facts presented in the action letter supported making the health, safety, and welfare finding. The City does not regulate and enforce private deed restrictions and does not have the authority to protect private views and new development on the two (2) lots individually or merged, must comply with the all Zoning Code Development Standards for the R-1 Zoning District.

2. *Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger. (Easement)*

Legal access is currently provided via a private, shared easement to both lots and will remain if the lots are merged.

Alternatives

1. Should the Planning Commission find that there are facts to support the findings required to grant approval of the Lot Merger as proposed, the Planning Commission should adopt Resolution No. __ (Attachment No. PC 1), upholding the decision of the Zoning Administrator and approving Lot Merger No. LM2011-002.
2. Should the Planning Commission find that the facts do not support the findings required to grant approval of the Lot Merger, the Planning Commission should adopt Resolution No. __ (Attachment No. PC 2), reversing the decision of the Zoning Administrator, and denying Lot Merger No. LM2011-002.

Environmental Review

If upheld and approved, then this project is exempt from CEQA, pursuant to Section 15305 (Class 5 Minor Alterations in Land Use Limitations) of the Implementing Guidelines of the California Environmental Quality Act (CEQA), which consists of projects with minor alterations in land use limitations in areas with an average slope of less than twenty (20%) percent, which do not result in any changes in land use or density, including minor lot line adjustments not resulting in the creation of any new parcel. This project is consistent with these requirements.

If reversed and denied, the project is not subject to the California Environmental Quality Act (CEQA) review, pursuant to Section 15270 of the CEQA Guidelines.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to all property owners within 300 feet of the property (excluding intervening rights-of-way), and posted at the project site a minimum of 10 days in advance of this meeting consistent with the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:

Submitted by:



Kay Sims, Assistant Planner



Gregg Ramirez, Acting Planning Manager

ATTACHMENTS

- | | |
|------|--|
| PC 1 | Draft Resolution with Findings and Conditions - Uphold |
| PC 2 | Draft Resolution - Reverse |
| PC 3 | Zoning Administrator Action Letter |
| PC 4 | Correspondence, Petition, and
Exhibits (Zoning Administrator Hearing) |
| PC 5 | Appeal Statement |
| PC 6 | Lot Merger Map |

Attachment No. PC 1

Draft Resolution with Findings and
Conditions – To Uphold

RESOLUTION NO. #####

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH UPHOLDING THE DECISION OF THE ZONING ADMINISTRATOR AND APPROVING LOT MERGER NO. LM2011-002 FOR A LOT MERGER FOR THE FOLLOWING PROPERTY, UNDER COMMON OWNERSHIP: PORTIONS OF LOTS 4, 5, AND 6 OF BLOCK 34 LOCATED IN CORONA DEL MAR. ALSO INCLUDED IN THE APPLICATION IS A REQUEST TO WAIVE THE REQUIREMENT TO FILE A PARCEL MAP, FOR PROPERTIES LOCATED AT 2808 AND 2812 OCEAN BOULEVARD (PA2011-141)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by The John Guida Trust and the Julie Guida Trust, with respect to properties located at 2808 and 2812 Ocean Boulevard, and legally described as Portions of Lots 4, 5, and 6 of Block 34 of Corona del Mar requesting approval of a lot merger. Also included in the application is a request to waive the requirement to file a parcel map.
2. The applicant proposes a lot merger for the following property, under common ownership, portions of Lots 4, 5, and 6 of Block 34 located in Corona del Mar. Also included in the application is a request to waive the requirement to file a parcel map
3. The subject property is located within the Single-Unit Residential (R-1) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (RSD-B).
5. A public hearing was held on September 14, 2011 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.
6. On September 22, 2011, the Zoning Administrator's decision to approve Lot Merger No. LM2011-022 was appealed by Mr. Clifford Jones, Ms. Joan Campbell, and Mr. John Silva. The appeal was filed to further consider two findings, which the applicants felt were not adequately addressed in the Zoning Administrator's decision.
7. The Planning Commission held a public hearing on October 20, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. The Planning

Commission considered evidence, both written and oral presented at this meeting. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

8. Pursuant to Section 20.64.030.C, the public hearing was conducted "de novo," meaning that it is a new hearing and the decision being appealed has no force or effect as of the date the call for review was filed.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 15305 (Class 5 Minor Alterations in Land Use limitations).
2. Class 5 consists of projects with minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes to land use or density, including minor lot line adjustments not resulting in the creation of any new parcel. This project is consistent with these requirements.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.68.030.H of Title 19 (Subdivision Code: Lot Mergers, Required Findings) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding

- A. *Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of Title 19.*

Facts in Support of the Finding:

- A-1. The future development on the proposed parcel will comply with the Zoning Code development standards.
- A-2. The proposed merger will not cause future development to impact public views of the ocean as no public view presently exists.
- A-3. The project site described in the proposal consists of legal building sites.
- A-4. The lot merger to combine the existing legal lots by removing the interior lot lines between them will not result in the creation of additional parcels.

A-5. The project is in an area with an average slope less than 20 percent and no changes in use or density will occur as a result of the merger.

B. The lots to be merged are under common fee ownership at the time of the merger.

Facts in Support of the Finding:

B-1. The portions of lots 4,5, and 6 to be merged are under common ownership.

C. The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan.

Facts in Support of the Finding:

D-1. The previously existing single-unit dwellings located on the subject sites will be demolished, and the proposed lot would be redeveloped with a new single-unit dwelling. Section 20.18.030 of the Zoning Code establishes minimum lot area and width requirements. Each of the two existing lots meet the minimum lot area required, but do not meet the minimum lot width required (50 feet). The proposed merger of the lots would create one lot which would comply with the minimum lot width and lot area standards required by the Zoning Code.

D-2. The Land Use Element of the General Plan designates the subject site as Single-Unit Residential Detached (RS-D), which is intended to provide primarily for single-family residential units on a single legal lot and does not include condominiums or cooperative housing. The Coastal Land Use Plan designates this site as Single Unit Residential Detached (RSD-B) which provides for density ranges from 6.0-9.9 DU/AC. The existing development and proposed development of a single-unit dwelling on the site are consistent with these designations.

D. Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.

Facts in Support of the Finding:

E-1. Vehicular access to and from the subject site and adjacent properties would remain the same via an alley and an ingress and egress easement at the rear of the site.

E. The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.

Facts in Support of the Finding:

- F-1. Corona del Mar consists of lots of varying shapes and sizes. The subject lots, as merged, will result in a parcel with a width of 80 feet and area of 13,678 square feet. Other nearby lots on Ocean Boulevard have lot widths as wide as 73 feet and area as large as 13,325 square feet. The merger of the two lots it will not create an excessively large lot in comparison to many of the existing lots in the surrounding area.
- F-2. Development within the R-1 Zoning District can have a maximum floor area 1.5 times the buildable area of the lot. The proposed parcel will not be developed beyond this maximum square footage, and will be developed consistent with the surrounding development.
- F. That the proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads and property access, sanitary disposal facilities, water supply availability, environmental protection, and other applicable requirements of this title, the Zoning Code, the General Plan, and any applicable Coastal Plan or Specific Plan.*

Facts in Support of the Finding:

- G-1. The existing lots currently comply with the design standards and improvements required by the Zoning Code, General Plan, and Coastal Land Use Plan.
- G-2. The proposed lot merger combines the lot portions into a single parcel of land and does not result in the elimination of more than three lot portions.
- G-3. Approval of the proposed lot merger would remove the existing interior lot lines, and allow the property to be redeveloped as a single site. The land use, density, and intensity would remain the same. The proposed lot would comply with all design standards and improvements required for new subdivisions by Title 19, the Zoning Code, General Plan, and Coastal Land Use Plan.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby approves Lot Merger No. LM2011-002 (PA2011-141) and waiver of a required parcel map requirement, upholding the decision of the Zoning Administrator, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective ten (10) days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 20th DAY OF OCTOBER 2011.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Charles Unsworth, Chairman

BY: _____
Bradley Hillgren, Secretary

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. The design of the development shall not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
2. All improvements shall be constructed as required by Ordinance and the Public Works Department.
3. The existing broken and/or otherwise damaged concrete sidewalk panels along the Ocean Boulevard frontage shall be reconstructed. Limits of the reconstruction shall be determined by the City Public Works Inspector.
4. All existing drainage facilities in the public right-of-way, including the existing curb drains along Ocean Boulevard, shall be retrofitted to comply with the City's on-site, non-storm runoff retention requirements.
5. All on-site drainage shall comply with the latest City Water Quality requirements.
6. All existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed.
7. New sod or low groundcovers, as approved by the City, shall be installed within the parkway fronting the development site along Ocean Boulevard.
8. An encroachment permit is required for all work activities within the public right-of-way.
9. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
10. The existing ingress and egress and utilities easements shall be maintained.
11. The existing sewer lateral to be used for the future dwelling unit shall have a sewer cleanout installed within the utilities easement per STD-406-L. All other laterals to be abandoned shall be capped at the property line.
12. All unused water services to be abandoned shall be capped at the corporation stop.
13. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
14. All applicable Public Works Department plan check fees shall be paid prior to review of the lot merger and grant deeds.

15. Prior to recordation of the lot merger, the development of the parcels combined shall conform to current zoning regulations pertaining to the number of dwelling units and the distance between detached structures. The proposed parcel shall have one dwelling unit. One structure shall be modified or demolished to achieve the required separation between structures and density.
16. Prior to recordation of the lot merger, grant deeds indicating the changes in titles of ownership should be submitted to the Public Works Department for review and approval.
17. The lot merger and grant deeds reviewed and approved by the Public Works Department should be filed concurrently with the County Recorder and County Assessor's Offices.
18. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Division.
19. Prior to issuance of the building permit for any new construction on the property, the Planning Division shall verify recordation of the document with the County Recorder.
20. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.050 of the Newport Beach Municipal Code.
21. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **2808 and 2812 Ocean Boulevard Lot Merger** including, but not limited to, **Lot Merger No. LM2011-002 (PA2011-141)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Attachment No. PC 2

Draft Resolution – To Reverse

RESOLUTION NO. #####

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH REVERSING THE DECISION OF THE ZONING ADMINISTRATOR AND DENYING LOT MERGER NO. LM2011-002 FOR A LOT MERGER FOR THE FOLLOWING PROPERTY, UNDER COMMON OWNERSHIP: PORTIONS OF LOTS 4, 5, AND 6 OF BLOCK 34 LOCATED IN CORONA DEL MAR. ALSO INCLUDED IN THE APPLICATION IS A REQUEST TO WAIVE THE REQUIREMENT TO FILE A PARCEL MAP, FOR PROPERTIES LOCATED AT 2808 AND 2812 OCEAN BOULEVARD (PA2011-141)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by The John Guida Trust and the Julie Guida Trust, with respect to properties located at 2808 and 2812 Ocean Boulevard, and legally described as Portions of Lots 4, 5, and 6 of Block 34 of Corona del Mar requesting approval of a lot merger.
2. The applicant proposes [project description a lot merger for the following property, under common ownership, portions of Lots 4, 5, and 6 of Block 34 located in Corona del Mar. Also included in the application is a request to waive the requirement to file a parcel map
3. The subject property is located within the Single-Unit Residential (R-1) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (RSD-B).
5. A public hearing was held on September 14, 2011 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.
6. On September 22, 2011, the Zoning Administrator's decision to approve Lot Merger No. LM2011-022 was appealed by Mr. Clifford Jones, Ms. Joan Campbell, and Mr. John Silva. The appeal was filed to further consider two findings, which the applicants felt were not adequately addressed in the Zoning Administrator's decision.
7. The Planning Commission held a public hearing on October 20, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. The Planning

Commission considered evidence, both written and oral presented at this meeting. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

8. Pursuant to Section 20.64.030.C, the public hearing was conducted "de novo," meaning that it is a new hearing and the decision being appealed has no force or effect as of the date the call for review was filed.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, projects which a public agency rejects or disapproves are not subject to CEQA review.

SECTION 3. REQUIRED FINDINGS.

The Planning Commission may approve a lot merger application only after making each of the required findings set forth in Section 19.68.030.H of Title 19 (Subdivision Code: Lot Mergers, Required Findings). In this case, the Planning Commission was unable to make the required findings.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby denies Lot Merger No. 2011-022 (PA2011-141), reversing the decision of the Zoning Administrator.
2. This action shall become final and effective ten (10) days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 20th DAY OF OCTOBER, 2011.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Charles Unsworth, Chairman

BY: _____
Bradley Hillgren, Secretary

Attachment No. PC 3

Zoning Administrator Action Letter



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663

(949) 644-3200 Fax: (949) 644-3229

www.newportbeachca.gov

ZONING ADMINISTRATOR ACTION LETTER

Application No. Lot Merger No. LM2011-002 (PA2011-141)
Applicant The John Guida Trust and The Julie Guida Trust
Site Address 2808 and 2812 Ocean Boulevard
2808 and 2812 Ocean Boulevard Lot Merger
Legal Description Portions of Lots 4, 5, and 6, Blk 34 of Corona del Mar

On September 14, 2011, the Zoning Administrator approved the following: a lot merger for the following property, under common ownership: portions of Lots 4, 5, and 6 of Block 34 located in Corona del Mar. Also included in the application is a request to waive the requirement to file a parcel map. The property is located in the R-1 (Single-Unit Residential) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

Findings

- A. **Finding:** *The proposed project is in conformance with the California Environmental Quality Act.*

Facts in Support of the Finding:

- A-1. The project qualifies for an exemption from environmental review pursuant to Section 15305 (Class 5 Minor Alterations in Land Use Limitations) of the Implementing Guidelines of the California Environmental Quality Act (CEQA), which consists of projects with minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including minor lot line adjustments not resulting in the creation of any new parcel. This project is consistent with these requirements.
- B. **Finding:** *Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of Title 19.*

Facts in Support of the Finding:

- B-1. The future development on the proposed parcel will comply with the Zoning Code development standards.
- B-2. The proposed merger will not cause future development to impact public views of the ocean as no public view presently exists.
- B-3. The project site described in the proposal consists of legal building sites.
- B-4. The lot merger to combine the existing legal lots by removing the interior lot lines between them will not result in the creation of additional parcels.
- B-5. The project is in an area with an average slope less than 20 percent and no changes in use or density will occur as a result of the merger.
- C. **Finding:** *The lots to be merged are under common fee ownership at the time of the merger.*

Facts in Support of the Finding:

- C-1. The portions of lots 4,5, and 6 to be merged are under common ownership.
- D. **Finding:** *The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan.*

Facts in Support of the Finding:

- D-1. The previously existing single-unit dwellings located on the subject sites will be demolished, and the proposed lot would be redeveloped with a new single-unit dwelling. Section 20.18.030 of the Zoning Code establishes minimum lot area and width requirements. Each of the two existing lots meet the minimum lot area required, but do not meet the minimum lot width required (50 feet). The proposed merger of the lots would create one lot which would comply with the minimum lot width and lot area standards required by the Zoning Code.
- D-2. The Land Use Element of the General Plan designates the subject site as Single-Unit Residential Detached (RS-D), which is intended to provide primarily for single-family residential units on a single legal lot and does not include condominiums or cooperative housing. The Coastal Land Use Plan designates this site as Single Unit Residential Detached (RSD-B) which provides for density ranges from 6.0-9.9 DU/AC. The existing development and proposed development of a single-unit dwelling on the site are consistent with these designations.

- E. **Finding:** *Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.*

Facts in Support of the Finding:

- E-1. Vehicular access to and from the subject site and adjacent properties would remain the same via an alley and an ingress and egress easement at the rear of the site.

- F. **Finding:** *The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.*

Facts in Support of the Finding:

- F-1. Corona del Mar consists of lots of varying shapes and sizes. The subject lots, as merged, will result in a parcel with a width of 80 feet and area of 13,678 square feet. Other nearby lots on Ocean Boulevard have lot widths as wide as 73 feet and area as large as 13,325 square feet. The merger of the two lots it will not create an excessively large lot in comparison to many of the existing lots in the surrounding area.

- F-2. Development within the R-1 Zoning District can have a maximum floor area 1.5 times the buildable area of the lot. The proposed parcel will not be developed beyond this maximum square footage, and will be developed consistent with the surrounding development.

In accordance with Section 19.08.030 of the Municipal Code (Waiver of Concurrent Parcel Map), the Zoning administrator approved a waiver of the parcel map requirement since no more than three parcels are eliminated.

- G. **Finding:** *That the proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads and property access, sanitary disposal facilities, water supply availability, environmental protection, and other applicable requirements of this title, the Zoning Code, the General Plan, and any applicable Coastal Plan or Specific Plan.*

Facts in Support of the Finding:

- G-1. The existing lots currently comply with the design standards and improvements required by the Zoning Code, General Plan, and Coastal Land Use Plan.
- G-2. The proposed lot merger combines the lot portions into a single parcel of land and does not result in the elimination of more than three lot portions.
- G-3. Approval of the proposed lot merger would remove the existing interior lot lines, and allow the property to be redeveloped as a single site. The land use, density, and

intensity would remain the same. The proposed lot would comply with all design standards and improvements required for new subdivisions by Title 19, the Zoning Code, General Plan, and Coastal Land Use Plan.

Conditions

1. The design of the development shall not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
2. All improvements shall be constructed as required by Ordinance and the Public Works Department.
3. The existing broken and/or otherwise damaged concrete sidewalk panels along the Ocean Boulevard frontage shall be reconstructed. Limits of the reconstruction shall be determined by the City Public Works Inspector.
4. All existing drainage facilities in the public right-of-way, including the existing curb drains along Ocean Boulevard, shall be retrofitted to comply with the City's on-site, non-storm runoff retention requirements.
5. All on-site drainage shall comply with the latest City Water Quality requirements.
6. All existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed.
7. New sod or low groundcovers, as approved by the City, shall be installed within the parkway fronting the development site along Ocean Boulevard.
8. An encroachment permit is required for all work activities within the public right-of-way.
9. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
10. The existing ingress and egress and utilities easements shall be maintained.
11. The existing sewer lateral to be used for the future dwelling unit shall have a sewer cleanout installed within the utilities easement per STD-406-L. All other laterals to be abandoned shall be capped at the property line.
12. All unused water services to be abandoned shall be capped at the corporation stop.

13. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
14. All applicable Public Works Department plan check fees shall be paid prior to review of the lot merger and grant deeds.
15. Prior to recordation of the lot merger, the development of the parcels combined shall conform to current zoning regulations pertaining to the number of dwelling units and the distance between detached structures. The proposed parcel shall have one dwelling unit. One structure shall be modified or demolished to achieve the required separation between structures and density.
16. Prior to recordation of the lot merger, grant deeds indicating the changes in titles of ownership should be submitted to the Public Works Department for review and approval.
17. The lot merger and grant deeds reviewed and approved by the Public Works Department should be filed concurrently with the County Recorder and County Assessor's Offices.
18. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Division.
19. Prior to issuance of the building permit for any new construction on the property, the Planning Division shall verify recordation of the document with the County Recorder.
20. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.050 of the Newport Beach Municipal Code.
21. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **2808 and 2812 Ocean Boulevard Lot Merger** including, but not limited to, **Lot Merger No. LM2011-002 (PA2011-141)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the

City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

PUBLIC NOTICE

Notice of this application was mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days prior to the decision date, consistent with the provisions of the Municipal Code.

APPEAL PERIOD: Lot Merger applications do not become effective until 10 days following the date of action. Prior to the effective date the applicant or any interested party may appeal the decision of the Zoning Administrator to the Planning Commission by submitting a written appeal application to the Community Development Director. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

By: _____

Jaime Murillo, Zoning Administrator

JM/ks

Attachments: ZA 1 Vicinity Map
 ZA 2 Lot Merger Map

Attachment No. ZA 1

Vicinity Map

VICINITY MAP



Lot Merger No. LM2011-002
PA2011-141

2808 and 2812 Ocean Boulevard

Attachment No. ZA 2

Lot Merger Map

Not Included – See PC Attachment No. 6

Attachment No. PC 4

Correspondence, Petition, and
Exhibits (Zoning Administrator Hearing)

September 14, 2011

To whom it may concern,

The subject vicinity along Ocean Boulevard is sorely in need of renewal and improvement. In that regard, I have no objection to the subject proposed lot assembly along Ocean Boulevard as such. However I do have concerns as regards the related subsequent residential development.

It would appear that, as proposed, this development may result in an excessive structural height and bulk not intended in the terms of the original legal deed restrictions governing the development of these parcels. If approved as proposed, the development would likely adversely affect the adjacent properties governed by the deed restrictions and other neighboring properties as well.

Thus the developer should be encouraged proceed to renew these lots but with a modestly redesigned project more in keeping with the intent of the deed restrictions, especially as regards overall height considerations.

Sincerely

A handwritten signature in cursive script, appearing to read "John H. Anderson".

John H. Anderson
214 Goldenrod Avenue
949-723-1556

John Auer
2821 OCEAN LN
CORONA DEL MAR, CA. 92625

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SEP 07 2011

DEVELOPMENT
CITY OF NEWPORT BEACH

TO CITY OF NEWPORT BEACH

RE. LOT MERGER OF 2808 & 2812
BLVD.

IN MY OPINION THE MERGER OF
THESE LOTS WOULD BE DETRIMENTAL
TO THE TWO PROPERTIES AT 2811 AND
2821 OCEAN LANE.

ALL THE PROPERTIES ARE GOVERNED
BY DEED RESTRICTIONS THAT ARE RECORDED
WITH THE COUNTY. THE LOT MERGER WOULD
JEOPARDISE THE RESTRICTIONS THAT WERE
PLACED ON THESE LOTS IN 1951 AND
HAVE EXISTED FOR 60 YEARS.

THE DEED RESTRICTIONS PLACED ON
THE PROPERTIES AT 2808, 2812 AND 2816
OCEAN BLVD. ARE CONCERNED WITH HEIGHT.
TO THE BENEFITS OF THE PROPERTIES AT
2811 AND 2821 OCEAN LANE FOR THE
PROTECTION OF VIEW.

IN EXCHANGE FOR THESE HEIGHT
RESTRICTIONS THE THREE PROPERTIES ON
OCEAN BLVD WERE GIVEN ACCESS TO
THEIR PROPERTIES THROUGH AN EASEMENT
GIVEN BY THE TWO PROPERTIES ON
OCEAN LANE.

IN CONCLUSION, IN MY OPINION THE

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CITY OF NEWPORT BEACH

September 7, 2011

the planner Kay Sims

These five lots were planned to be developed three one story houses on Ocean Blvd, then to continue on to develop two two story houses directly behind with kitchen living and dining area on the second floor so that they would always have a view over the three one story houses in front of them, thus the necessity for the C C and R's.

We were shown this property at 11:00 in the morning and were so entranced with the location and the view we accepted their asking price and bought it at 4:00 that afternoon.

We were told that the lot came with C C and R's and that we would also own half the driveway or alley that ran between the two story houses ~~in front of~~ ^{beside} the Ocean Blvd.

The Greider Fred bought the two houses in front with full knowledge of the C C & R's that ran with the Campbell and Silva houses behind them.

We the houses behind gave up 10 ft of our land for the protection of our view forever. Water Eutrusty internet ect.

We feel that the request to merge these two lots is the first step to override the deed restrictions that have been in place since 1951, and all former owners have abided by these restrictions.

The Greider must realize putting two houses at a higher level will hamper the view not only directly behind them but also affect the house quite a way up the hill.

Joan Campbell

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CITY OF NEWPORT BEACH

LOT MERGER - 2808 - 2812
OCEAN BOULEVARD.

2. DEED RESTRICTION ON ABOVE

1. A DEED RESTRICTION ON
THESE 2 LOTS CALLING FOR
2 IN 12 ROOF HT. & A ONE
STORY HOUSE.

3. MERGER DOUBLES THE ROOF HT FROM
40" TO 80". (FROM 11' HT.
OF ONE STORY HOUSE.)

4. MERGER LEADS TO RAISING
20' HT. OF LOT. (IMPACTING
VIEW FROM INTERIOR HOUSING)

5. PLEASE REFUSE THE MERGER
& DO NOT WAIVE THE REQUIREMENT
TO FILE A PARCEL MAP

SINCERELY

Reference: 2808 and 2812 Ocean Blvd., Corona del Mar, Ca. Lot Merger.

Lot Merger No. LM2011-002 (PA 2011-141)

Legal Description, Portions of Lots 4, 5, and 6, Blk 34 of Corona del Mar

Applicant The John Guida Trust and The Julie Guida Trust.

We the undersigned challenge this project based on the finding B and E listed in the zoning Administrator Zoning Action Letter

B. Finding: Approval of the merger will not under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvement in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of Title 19.

E. Finding: Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.

NAME

ADDRESS

SIGNATURE

ROBIN CAMPBELL 2811 OCEAN LN Robin Campbell

Joan F. Campbell 2811 Ocean Lane Joan F. Campbell

John M. Silva 2821 OCEAN LANE John M. Silva

ALBERTA O. SILVA 2821 OCEAN LANE Alberta O. Silva

CLIFFORD L. JONES 2800 OCEAN BLVD Clifford L. Jones

LINDA JONES 2800 OCEAN BLVD Linda Jones

Peter Campbell 2811 Ocean Lane Peter Campbell

HARLOW RUSHING 217 HELENDALE HARLOW RUSHING

NGA RUSHING 217 HELENDALE NGA RUSHING

CARL THON 2800 Ocean Lane Carl Thon

Alice Remer 210 Goldenrod Aly Alice Remer

~~Alice~~

NAME	ADDRESS	SIGNATURE
Edward Hepner	2831 Bayview	Ed Hepner
Pauline Hepner	2831 Bayview	Pauline Hepner
G. Marden Blanch	219 Heliotrope	G. Marden Blanch
Lynette Blanch	219 Heliotrope	Lynette K. Blanch
JANE A. HILGENDORF	245 HELIOTROPE AVE.	Jane A. Hilgendorf
Robert A. Campbell	223 Heliotrope Ave.	Robert A. Campbell
ANNIE W. LILS	2818 Ocean Blvd	Annie Willis
RICHARD ARDIS	2818 OCEAN BLVD	Richard Ardis
JAMES L. OSTEN	2820 BAYVIEW DR	James L. Osten
Sheila DRAKE	608 CARNATION AVE	Sheila Drake
Gregory L. Helms	218 Goldenrod	Gregory L. Helms
Debbie A. Helms	218 Goldenrod	Debbie A. Helms
Patricia L. English	2804 Ocean Blvd	Patricia L. English
Sheryl C. English	2804 Ocean Bl.	Sheryl C. English
GARY ZWEBER	2804 Ocean Bl.	Gary Zuber
LAMIE Z. TALBERT	2804 OCEAN BLVD	Lamie Z. Talbert
STEVEN R. TALBERT	2804 OCEAN BLVD	Steve R. Talbert
JAMES H. English	2804 Ocean Blvd	Patricia English

EX-2185 ME 102

23981

DECLARATION OF RESTRICTIONS

* * * * *

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SEP 07 2011
DEVELOPMENT
CITY OF NEWPORT BEACH

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, the undersigned WALTER S. McEACHERN and LILLIAN M. McEACHERN, his wife, are the owners of Lots 3 and 4 and the undersigned, PAUL O. CLELAND and SYLVIA A. CLELAND, his wife, are the owners of Lots 5 and 6, all in Block 34, Resubdivision of Corona del Mar, as shown on Map thereof in Book 4, at page 67, of Miscellaneous Maps, records of Orange County, State of California, and

WHEREAS, the parties hereto mutually desire to restrict the height of buildings which may hereafter be placed or constructed upon said property,

NOW, THEREFORE, in consideration of the premises and of the advantages derived by each of the parties hereto by the making of this declaration and further in consideration of the benefits which will accrue to said real property and to each and every parcel thereof,

IT IS HEREBY MUTUALLY COVENANTED, AGREED AND DECLARED that said land and each and every part and parcel thereof, except the Northeasterly 96 feet thereof, shall, from and after the date hereof, be subject to the following restrictions and/or covenants which shall apply to and be binding upon the parties hereto and each of their successors and assigns, as follows:

That any building or structure placed or constructed

83681

map 2185 map 103

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SEP 07 2011

DEVELOPMENT
CITY OF NEWPORT BEACH

on said real property, or any portion thereof, shall be limited to one story in height and the roof of any such building shall have a maximum pitch of $\frac{1}{4}$ " x 12", that is to say, such roof shall have a maximum rise of $\frac{1}{4}$ inches to each 12 inches of roof span.

The covenants and declarations herein contained are made for the benefit of each lot or parcel as against each and every other of said lots or parcels and for the benefit of the owner or owners of each and every other lot or parcel, and that said covenants, restrictions and/or declarations shall operate as a covenant running with the land and the same is hereby created as a mutual, equitable servitude in favor of each parcel as against each and every other parcel of said land.

It is hereby expressly declared that the foregoing covenants, restrictions and declarations shall inure to the benefit of each and all of the parties hereto and shall extend to and bind the successors and assigns of the parties hereto and each of them and that any breach of said covenants, restrictions and/or declarations may be enjoined, abated or remedied by appropriate proceedings by the parties hereto or by either of them, their and each of their successors or assigns.

Any provision herein to the contrary notwithstanding, a violation of the covenants and restrictions herein contained shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value.

That in the event of a reconveyance of said property, or any portion thereof, by the Trustee named in any deed of

ON THIS 25th day of April, 1951, at the County of Los Angeles, State of California, the following persons appeared before me, the undersigned Notary Public in and for said county and state, personally appeared WALTER S. McEACHERN, LILLIAN M. McEACHERN, PAUL G. CIELAND and SYLVIA A. CIELAND, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

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SEP 07 2011
CITY OF NEWPORT BEACH
DEVELOPMENT

BOOK 2185 PAGE 102

BOOK 2185 PAGE 102

trust, such rescission shall not in any manner affect the validity or continuation of the covenants, restrictions or declarations herein contained, but the same shall remain in full force and effect for the benefit of each party hereto and for the benefit of the successive owner or owners of said real property and each and every lot or parcel thereof.

IN WITNESS WHEREOF the parties hereto have set their hands and seals this 25th day of April, 1951.

RECORDED AT REQUEST OF

WELLMAN TITLE COMPANY

MAY 7 1951 at 9:00 A.M.

BOOK 2185 PAGE 102

OFFICIAL RECORDS
Orange County, California

Paul G. Cleland

County Recorder

Walter S. McEachern
Walter S. McEachern

Lillian M. McEachern
Lillian M. McEachern

Paul G. Cleland
Paul G. Cleland

Sylvia A. Cleland
Sylvia A. Cleland

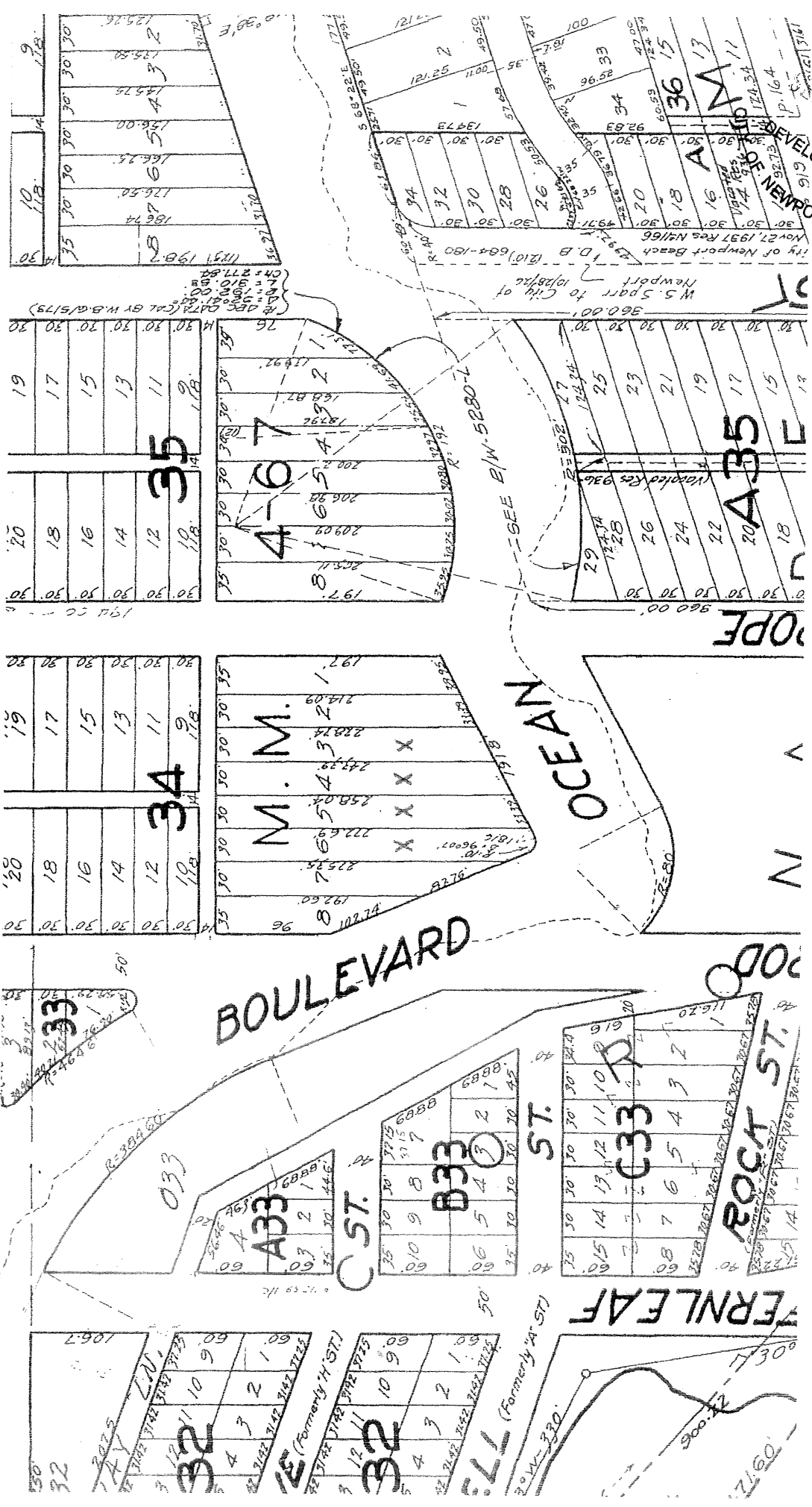
STATE OF CALIFORNIA)
County of Los Angeles) ss

On this 25th day of April, 1951, before me, the undersigned Notary Public in and for said county and state, personally appeared WALTER S. McEACHERN, LILLIAN M. McEACHERN, PAUL G. CIELAND and SYLVIA A. CIELAND, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

[Signature]
Notary Public in and for County
of Los Angeles, State of California

My Commission Expires: Feb 1, 1952

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NEWPORT BEACH



BOULEVARD

OCEAN

ROCK ST.

FERNLEAF

SEE E/W 5280-L

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33

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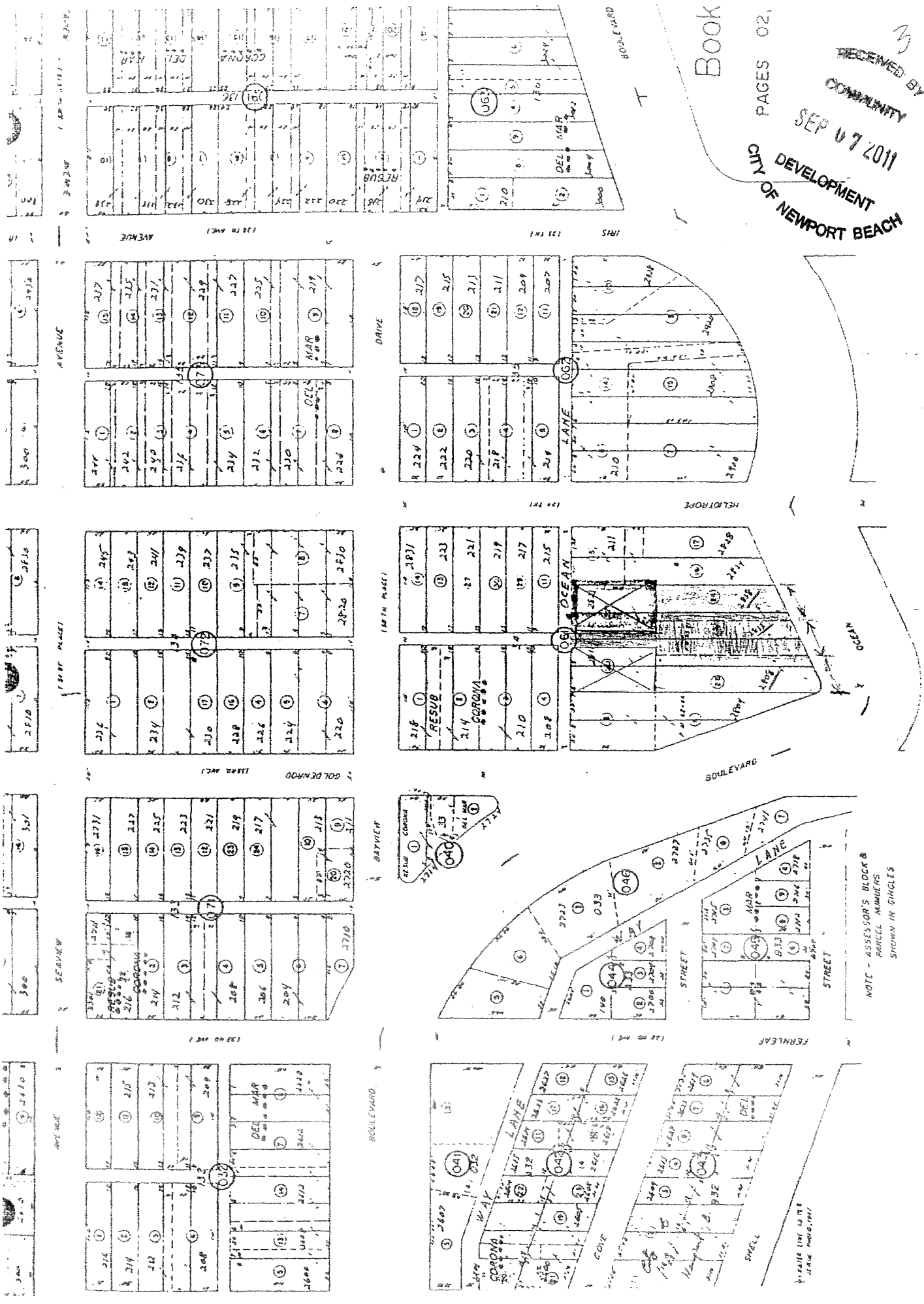
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DEVELOPMENT

Book
PAGES 02,



24948
JOINT TENANCY GRANT DEED

Affix I.R.S. \$

F-3V

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

PAUL O. CLELAND and SYLVIA A. CLELAND, his wife,

do hereby GRANT to WALTER S. McEACHERN and LILLIAN M. McEACHERN, his wife, as Joint Tenants,

the real property in the County of Orange, State of California, described as:

An easement for ingress and egress, pipe lines, pole lines and other public utilities over, across and under that portion of Lot 5 in Block 34 of Resubdivision of Corona del Mar, as shown on a map recorded in Book 4, at page 67, of Miscellaneous Maps, records of Orange County, California, lying within the following described parcel of land, said easement to be for the benefit of and to be used in common by the owners of land in Lots 3, 4, 5 and 6 of said Block 34:

BEGINNING at the most Easterly corner of said Lot 5 and running thence Northwesterly along the Northeasterly line of said Lot 5, 10 feet; thence Southwesterly parallel with the Southeasterly line of said Lot 5, 96 feet; thence Northwesterly parallel with the Northeasterly line of said Lot 5, 10 feet; thence Southwesterly parallel with the Southeasterly line of said Lot 5, 20 feet; thence Southeasterly parallel with the Northeasterly line of said Lot 5 and the Northeasterly line of Lot 4 in said Block 34, 40 feet; thence Northeasterly parallel with the Northwesterly line of said Lot 4, 20 feet; thence Northwesterly parallel with the Northeasterly line of said Lot 4, 10 feet; thence Northeasterly parallel with the Northwesterly line

2812 Ocean Blvd.

Tag "F3C-064"

APN 052-061-25

of said Lot 4, 96 feet to the Northeasterly line of said Lot 4; thence Northwesterly along said Northeasterly line 10 feet to the point of beginning.

ALSO an easement for the placement of garbage, rubbish, etc., over the Northeasterly 3 feet of the Northwesterly 10 feet of the Southwesterly 20 feet of said Lot 5, said easement to be for the benefit of and to be used in common by the owners of land in Lots 3, 4, 5 and 6 of said Block 34.

SUBJECT TO:

Taxes for the fiscal year 1951-52

Covenants, conditions, reservations, restrictions, rights and rights of way and easements of record.

Dated: April 25, 1951

Paul O. Cleland
Paul O. Cleland

Sylvia A. Cleland
Sylvia A. Cleland

STATE OF CALIFORNIA)
County of Los Angeles) ss

On April 25, 1951, before me, the undersigned, a Notary Public in and for said county and state, personally appeared PAUL O. CLELAND and SYLVIA A. CLELAND, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

(Seal)



[Signature]
Notary Public in and for said County

Space below for Recorder's use only

RECORDED AT REQUEST OF

RELIANCE TITLE COMPANY

MAY 11, 1951 at 9:00 A.M.

BOOK 2187 PAGE 233

OFFICIAL RECORDS
Orange County, California

[Signature]
2.00/6 County Recorder

24948. Recorded and Compared. Ruby McFarland, County Recorder. By Deputy [Signature]

2808, 2812 OCEAN BLVD.

+6' ELV. & ETC
291



GOLDEN ROD

+6' ELV & ETC
29'



2800 OCEAN BLVD

+ 6' ELEV. & ETC
162
291



2800 OCEAN BLVD.

29, 29, 29



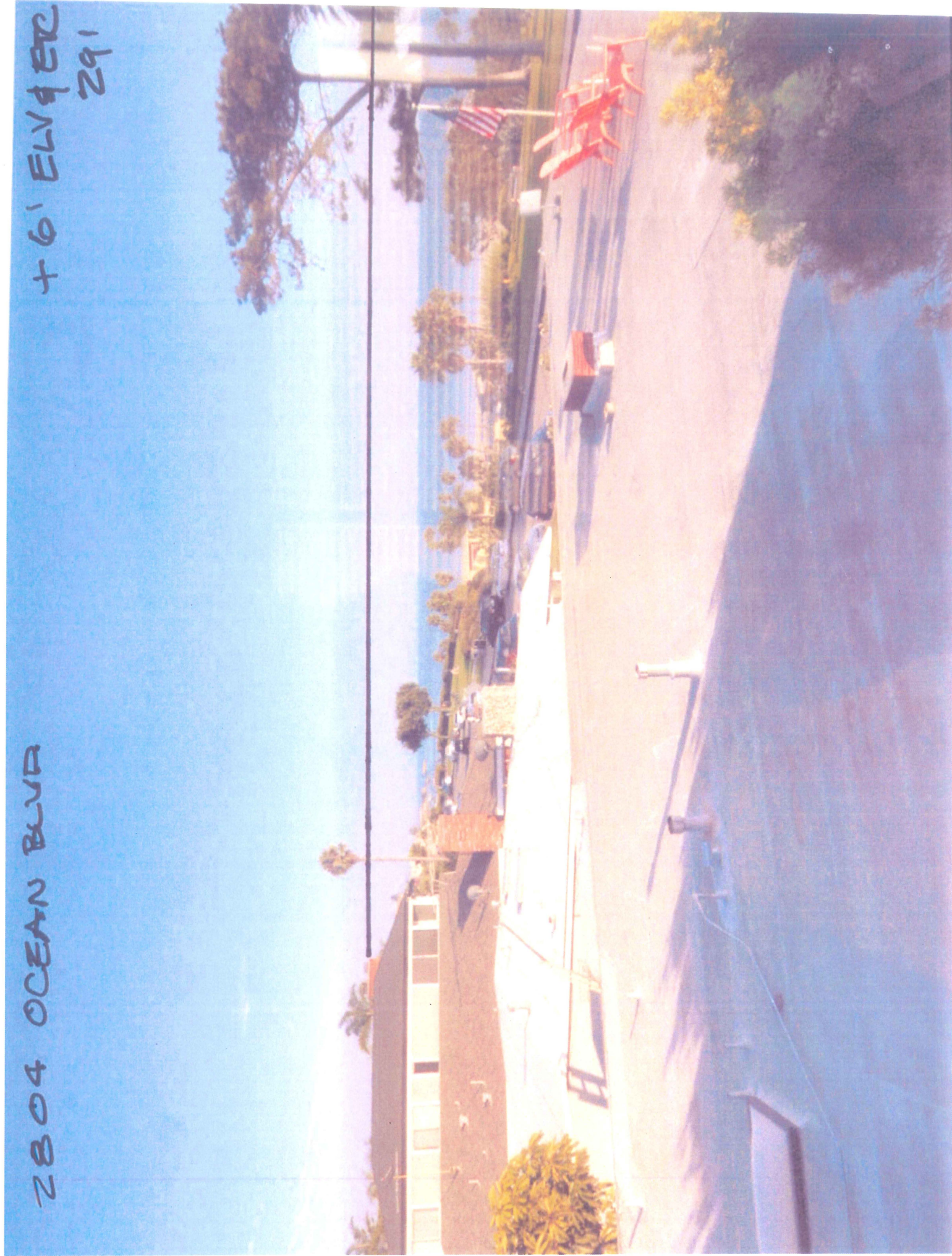
2804 OCEAN BLVD.

+6' EW. & ETC.
291



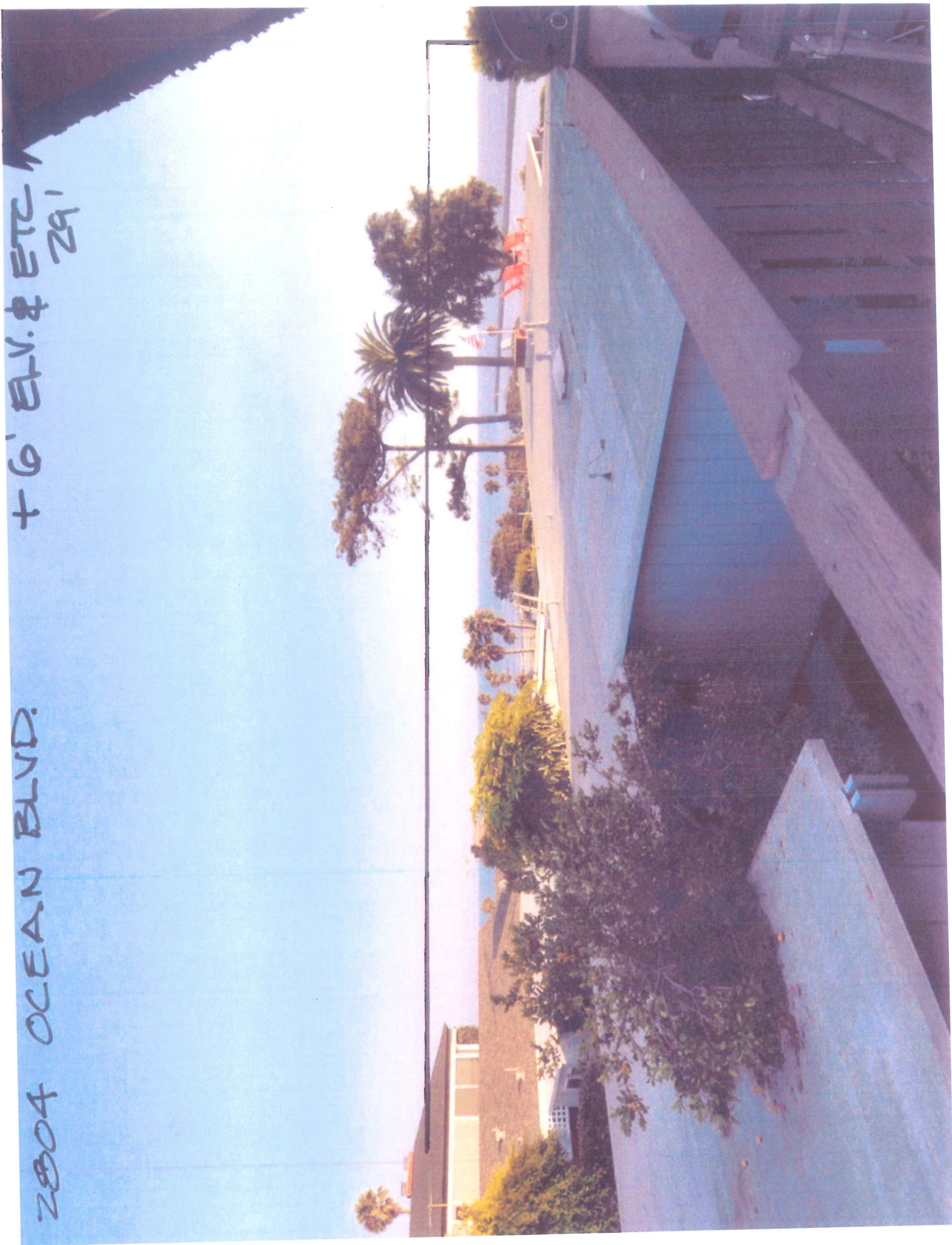
2804 OCEAN BLVD

+6' ELV & ETC
291



2804 OCEAN BLVD.

+ 6' E.V. & ETC-
29'



+6' ELEV. & ETC

2011 OCEAN LANE



2811 OCEAN LANE

29' ELEV. & ETC
29'



+6' ELEV. & ETC
291

2011 OCEANS LANE



2800 OCEAN LANE

TO LUNCH 291



2821 OCEAN LANE

+ 6' EX. V. & ETC

291



217 HELIOTROPE

+6' ELEV ETC
291



29 HELIOTROPE

+6' ELV. @ ETC
291



Attachment No. PC 5

Appeal Statement



Appeal Application

Community Development Department
Planning Division
3300 Newport Boulevard, Newport Beach, CA 92663
(949)644-3204 Telephone | (949)644-3229 Facsimile
www.newportbeachca.gov

TA 2011-141
For Office Use Only

Date Appeal Filed: 9-23-11

Fee Received: \$4333.00

Received by: KS

Application to appeal the decision of the: ☒ Zoning Administrator
☐ Planning Director
☐ Hearing Officer

Appellant Information:

Name(s): CLIFFORD JONES, JOAN CAMPBELL, JOHN SILVA
Address: 2800 OCEAN BLVD, 2811, 2821 OCEAN LANE
City/State/Zip: CORONA DEL MAR, CA 92625
Phone: 949 283-9054 Fax: 949-673-5979 Email: LYNDILU@ATT-NE

Appealing Application Regarding:

Name of Applicant: JOHN GUIDA TRUST Date of Decision: SEPT 14, 2011
Project No. (PA): PA 2011-141 Activity No.: LM 2011-002
Site Address: 2808 & 2812 OCEAN BLVD.
Description: PORTIONS OF LOTS 4, 5 AND 6 BLK 34
OF CORONA DEL MAR,

Reason(s) for Appeal (attach a separate sheet if necessary): PLEASE SEE
ATTACHED

Along with application, please submit the following:

- Twelve (12) 11x17 sets of the project plans
- One set of mailing labels (Avery 5960) for property owners within 300 ft. radius of subject property

Signature of Appellant: Joan F. Campbell Date: 9/22/11

FILE COPY

SCANNED

We do not feel the findings referred to "B-findings, E-findings" have been adequately addressed. The findings were as follows:

Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of Title 19. Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger. (Easement)

By the City allowing the inter lot lines to be removed by the lot merger, the City has (according to the formula for the deed restriction on each lot) given him the opportunity to break the current restrictions and go to an increase of height addition by 7,5 feet plus considerable increase in the bulk of his structure.

In addition to the above we feel that the total economic impact on surrounding properties, the loss of enjoyment of the view (deed restriction) and the potential undermining of the stability of the adjacent properties had not been adequately addressed and can only be accessed by experts in those areas.

Attachment No. PC 6

Proposed Lot Merger Map

EXHIBIT 'A'
CITY OF NEWPORT BEACH
LOT MERGER No. LM 11 - _____
(Legal Description)

Owners	Existing Parcels AP Number	Proposed Parcels Reference Number
THE JOHN GUIDA TRUST, DATED 9/17/2010, AS TRUSTEE THE JULIE GUIDA TRUST, DATED 9/17/2010, AS TRUSTEE	052-061-26 052-061-25	PARCEL 1 0.314 AC (gross) 0.296 AC (net)

SHEET 1 OF 1

PARCEL 1:

In the City of Newport Beach, County of Orange, State of California being all of Lots 4 through 6 in Block 34 of the Re-Subdivision of Corona Del Mar, as per map recorded in Book 4, Page 67, of Miscellaneous Maps in the Office of the County Recorder of said Orange County.

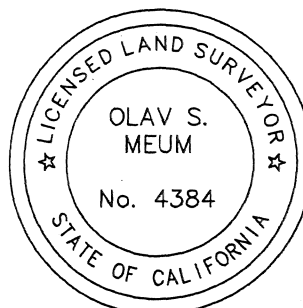
EXCEPTING THEREFROM the Northeasterly 96.00 feet thereof.

ALSO EXCEPTING THEREFROM the Southeasterly 10.00 feet of said Lot 4.

Containing 0.314 Acres (13,697 sq. ft.), more or less.

All as shown on Exhibit 'B' attached hereto and by this reference made a part hereof.

SUBJECT TO EASEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, RIGHTS, RIGHTS OF WAY, AND OTHER MATTERS OF RECORD, IF ANY.



PREPARED BY ME OR UNDER MY
DIRECTION ON: APRIL 08, 2011.

 6-14-11
OLAV S. MEUM **LS 4384**

(Map)




EXHIBIT 'B'
CITY OF NEWPORT BEACH
LOT MERGER No. LM 11 -

(Map)

Owners	Existing Parcels AP Number	Proposed Parcels Reference Number
THE JOHN GUIDA TRUST, DATED 9/17/2010, AS TRUSTEE THE JULIE GUIDA TRUST, DATED 9/17/2010, AS TRUSTEE	052-061-26 052-061-25	PARCEL 1 0.314 AC (gross) 0.296 AC (net)

SHEET 2 OF 2

EASEMENT NOTE:

-  AN EASEMENT FOR INGRESS AND EGRESS, PIPE LINES, POLE LINES AND OTHER PUBLIC UTILITIES FOR THE BENEFIT OF AND TO BE USED IN COMMON BY THE OWNERS OF LAND IN LOTS 3, 4, 5 & 6 OF BLOCK 34 AS RECORDED ON MAY 11, 1951 IN BOOK 2187, PAGE 233 & BOOK 2187, PAGE 235, BOTH OF OFFICIAL RECORDS.
-  10' WIDE EASEMENT FOR SEWER PURPOSES RECORDED IN BOOK 2165, PAGE 614 OF OFFICIAL RECORDS, AS SHOWN ON PARCEL MAP RECORDED IN BOOK 65, PAGE 21 OF PARCEL MAPS.
-  10' WIDE EASEMENT FOR SEWER PURPOSES RECORDED IN BOOK 2165, PAGE 611 OF OFFICIAL RECORDS, AS SHOWN ON PARCEL MAP RECORDED IN BOOK 65, PAGE 21 OF PARCEL MAPS.

SURVEYOR'S NOTE:


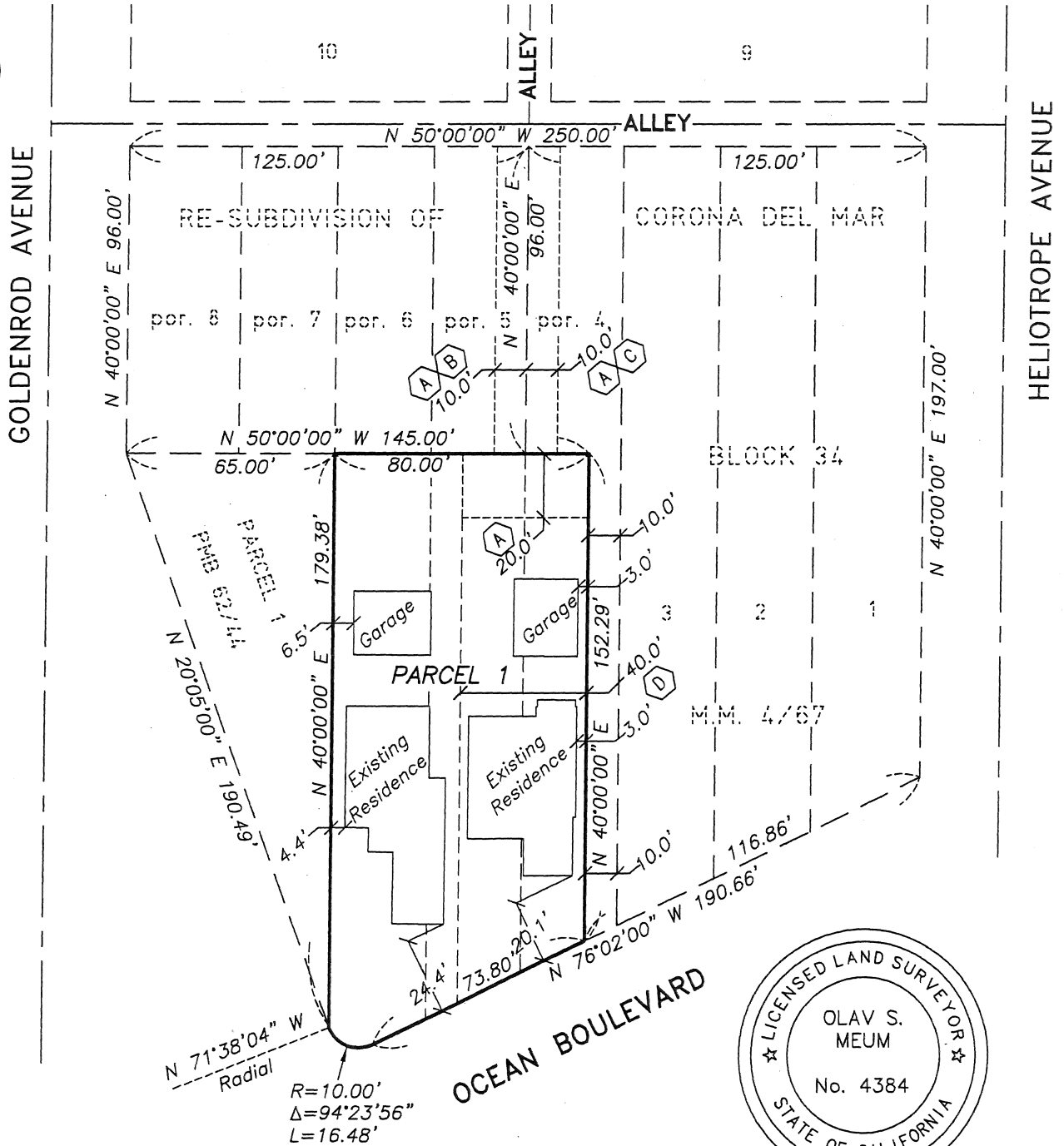
-  A PORTION OF THE LAND INCLUDED WITHIN THIS LOT MERGER AS DESCRIBED IN PARCEL 2 OF THE LATEST GRANT DEED RECORDED ON DECEMBER 20, 2010 AS INSTRUMENT No. 2010000708142 O.R. AGREES WITH THE LAND SHOWN AS PARCEL 1 OF A PARCEL MAP RECORDED ON DECEMBER 5, 1974 IN BOOK 65, PAGE 21 OF PARCEL MAPS.

EXHIBIT 'C'
CITY OF NEWPORT BEACH
LOT MERGER No. LM 11 -
 (Site Map)

Owners	Existing Parcels AP Number	Proposed Parcels Reference Number
THE JOHN GUIDA TRUST, DATED 9/17/2010, AS TRUSTEE THE JULIE GUIDA TRUST, DATED 9/17/2010, AS TRUSTEE	052-061-26 052-061-25	PARCEL 1 0.314 AC (gross) 0.296 AC (net)

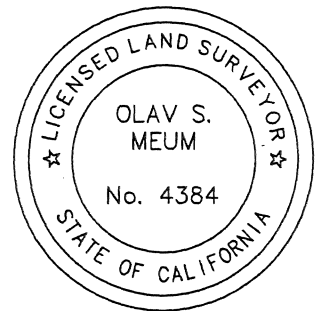
SCALE: 1"=50'

SHEET 1 OF 1



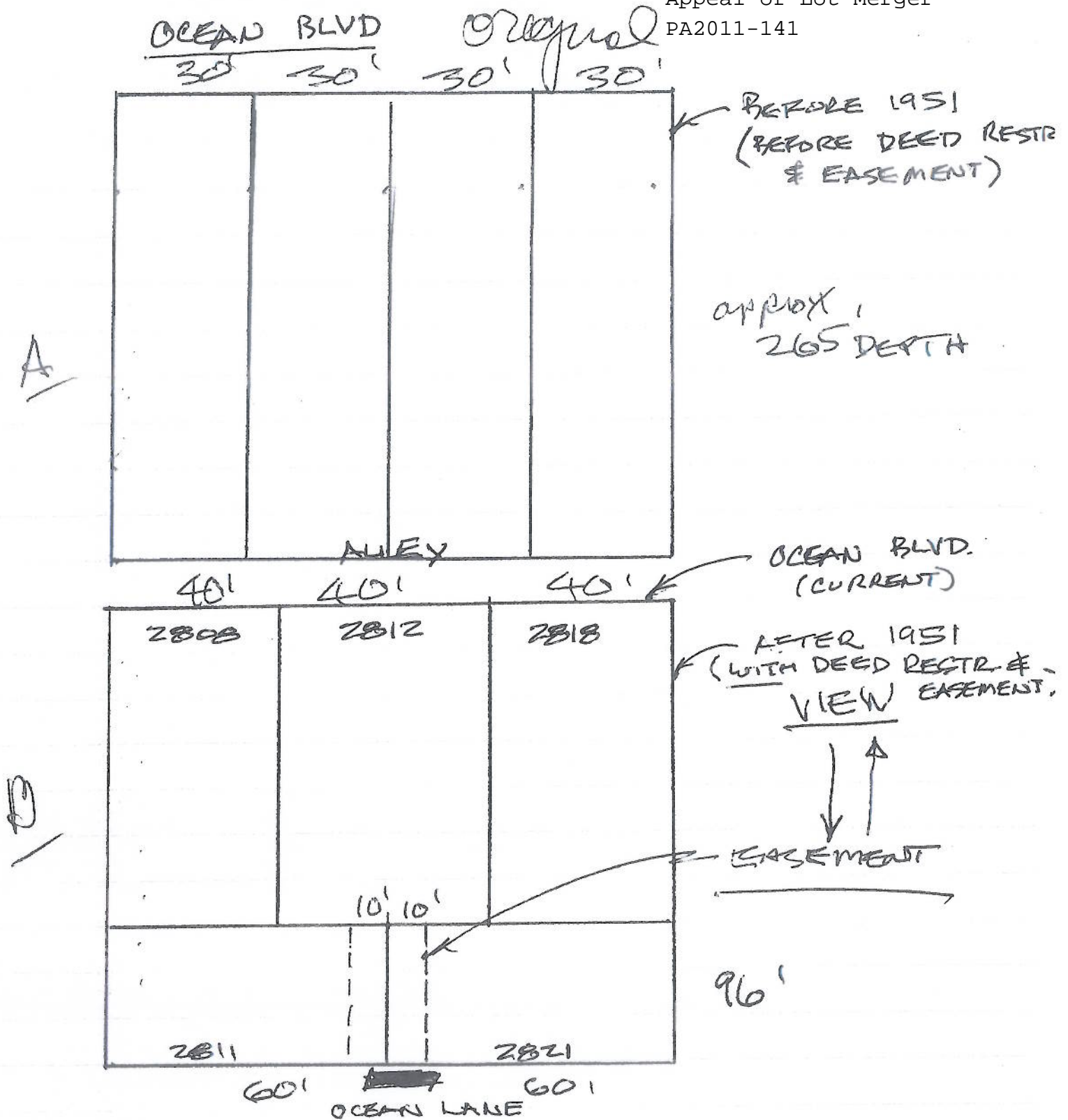
LEGEND:

- EXISTING LOT LINE TO REMAIN
- EXISTING LOT LINE TO BE REMOVED



PREPARED BY ME OR UNDER MY
 DIRECTION ON: APRIL 8, 2011

[Signature] 6-14-11
OLAV S. MEUM LS 4384



RECEIVED BY
COMMUNITY
OCT 12 2011
DEVELOPMENT
CITY OF NEWPORT BEACH